CONFRONTING MAXIMUM PERIL IN THE 21ST CENTURY

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It is a great pleasure for me to appear at this conference. I especially want to thank Dr. Brown for inviting me and Sandia National Laboratories for organizing and hosting the conference.

Over forty years ago, on October 22, 1962, President John F. Kennedy warned the American people that:

> We no longer live in a world where only the actual firing of weapons represents a sufficient challenge to a nation's security to constitute maximum peril. Nuclear weapons are so destructive and ballistic missiles are so swift that any substantially increased possibility of their use or any sudden change in their deployment may well be regarded as a definite threat to peace.

President Kennedy spoke these words in the context of the Cuban Missile Crisis, which may have been the Cold War's closest analogue to the kinds of weapons proliferation threats we face today. Especially since the events of September 11, 2001, we have come to appreciate that, for all its dangers, the Cold War was at least stable and predictable by comparison to the international environment in which we find ourselves today.

New threats call for new strategies to defeat them. President Kennedy imposed a naval quarantine of Cuba in response to the maximum peril facing our nation in 1962, and this was properly seen at that time as a major departure from past practice. Similarly, since September 11, we, along with many of our allies, have energetically explored new strategies to confront the threats we now face from terrorism and proliferation of weapons of mass destruction.

The United States has been especially focused on what is perhaps the most dangerous threat of all, that of terrorists armed with weapons of mass destruction. President Bush drew attention to this threat in his State of the Union address last year, and with good reason. September 11 left no doubt that terrorists and the states that sponsor them will use weapons of mass destruction against us if they can acquire them. This truly is a struggle between civilization and barbarism, with the barbarians bent on nothing less than our destruction. Traditional concepts of deterrence will not work against such enemies. The implications of this are clearly described in the new *National Security Strategy of the United States of America*, issued last fall:

> Given the goals of rogue states and terrorists, the United States can no longer safely rely on a reactive posture as we have in the past. The inability to deter a potential attacker, the immediacy of today's threats, and the magnitude of

> potential harm that could be caused by our adversaries' choice of weapons, do not permit that option. We cannot let our enemies strike first.
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> The United States will not use force in all cases to preempt emerging threats, nor should nations use preemption as a pretext for aggression. Yet in an age where the enemies of civilization openly and actively seek the world's most destructive technologies, the United States cannot remain idle while dangers gather.

This strategy has been on display in recent weeks in Iraq. We are keenly aware that the efforts of the United States and our coalition partners in Iraq have been controversial in some quarters. Even though our coalition consists of almost 50 countries, some have complained that our actions there have been too "unilateral," that they have not been sufficiently legitimized by the United Nations Security Council.

The United States is dismayed by such criticisms. No country is more keenly aware than the United States of the importance of international law and international institutions. We have long recognized that all countries benefit directly from the order and predictability that international law and institutions like the United Nations impose on the international system.

The Charter of the United Nations was signed in San Francisco in 1945, having been negotiated largely at our instigation. In every year since 1945, without exception, our nation has contributed more money to the United Nations than any other. We remain one of only five permanent members of the Security Council. Accordingly, few countries have as big a stake as we do in preserving the role of the Council set forth in Article 24 of the Charter: to act as the international institution with "primary responsibility for the maintenance of international peace and security."

We deeply regret that the Security Council was weakened by the dereliction of its responsibilities with respect to Iraq over a period of more than 12 years. Once the Council took on the challenge of disarming Iraq of its weapons of mass destruction in 1991, its own credibility demanded that it see this job through to its conclusion. For more than 12 years, Saddam Hussein mocked the Council by his defiance of its mandates. Rather than backing its own weapons inspectors in Iraq who were documenting this defiance, the Council increasingly bought into the fiction that those inspectors were part of the problem in Iraq, not part of the solution. In 1999 the Council abolished its original inspections mechanism, UNSCOM, and substituted for it a much weaker entity, UNMOVIC. Saddam Hussein reciprocated by excluding UNMOVIC from Iraq for the next three years, as the Security Council did little more than debate what further inducements it could offer him to comply.

This regrettable performance persisted until late last year when, in response to U.S. and U.K. demands, the Security Council unanimously adopted Resolution 1441, which afforded Iraq "a final opportunity to comply with its disarmament obligations." Confronted by a united Security Council, and the determination of the United States and a few key allies to back up this demand with the use of force, Saddam Hussein finally

relented and for the first time allowed UNMOVIC inspectors to enter Iraq. It soon became clear, however, that he had no intention of complying with Resolution 1441 and voluntarily disarming Iraq of its weapons of mass destruction. Iraq's declaration contained only volumes of old information, meant to deceive and mislead. And, at no time during UNMOVIC inspections did Hans Blix ever report to the Security Council that Iraq had made any substantive progress on any of the disarmament issues. What we saw instead was an effort by Saddam Hussein to lure the Council back into his old game of cat and mouse.

We are all too familiar with what happened next. Dismayed that Saddam Hussein had spurned his "final opportunity to comply," some Council members urged that he be given one more final opportunity to disarm. Our patience had been exhausted, however, and joined by a coalition of countries more committed to the credibility of the Council than some of the Council's own members, we went to war.

There is nothing new, of course, about defiance of Security Council mandates. The Security Council has no army of its own, and so it depends on the will of United Nations members to enforce its decisions. In many cases, no nation or coalition of nations is willing to volunteer to enforce Security Council mandates, so those mandates go unenforced. The Council cannot be blamed in such cases, for there is nothing more that it can do. What is remarkable about the Iraq case, however, particularly in its final phases, is that at long last, after 12 years of defiance, nations were volunteering to enforce the Council's mandates, and yet the Council could not bring itself to formally accept the offer.

The United States could not be more pleased with the results that have been achieved in Iraq to date by the coalition. Saddam Hussein's regime has been eliminated as a threat to international peace and security. Iraq's weapons of mass destruction programs, as we uncover them, will finally be dismantled. The yoke of oppression has been lifted from the Iraqi people, and for once the "Arab street" is the scene not of protest, as many had mistakenly predicted, but rather of celebration.

Yet in the face of all this success, critics continue to fret that the coalition "bypassed" the Security Council. They miss the point that, to the degree there is any validity to this criticism, the fault lies with those who, for 12 years, were content to see the Council made a fool of by Saddam Hussein. The true adversaries of international law and international institutions are not those who insisted that the Security Council's mandates in Iraq be enforced, but those who were indifferent to Saddam Hussein's persistent defiance of those mandates. In this and other cases, the Council must live up to its responsibilities under Article 24 of the Charter with respect to maintaining international peace and security, or the inevitable result will be a diminution in the Council's role, with potentially regrettable consequences for the web of international law and international institutions that has grown up over the past half century.

It is the profound hope of the United States that the Security Council will meet these responsibilities in the future. The matter of North Korea's non-compliance with its IAEA

Safeguards Agreement and its NPT obligations is currently pending before the Council. It is not there because of some bilateral disagreement between the United States and North Korea, as some wish to see it. Rather, it is there because the International Atomic Energy Agency (IAEA) determined on February 12 of this year that North Korea is in further non-compliance with its nuclear safeguards obligations, and the IAEA formally referred the matter to the Council, as it is required to do in such cases under the IAEA Statute. The Council met on April 9 to discuss the matter, but failed to issue a formal statement. We expect the Council to remain seized of this issue, and to take seriously its responsibility with respect to North Korea's nuclear weapons program.

This matter has become especially urgent in light of North Korea's announced intention to withdraw from the NPT. If countries such as North Korea can violate the NPT and then withdraw from it, the lessons that other countries may take away will not be good ones for long-term international security. The international community must not indulge countries, which, under a façade of legitimacy earned by feigned adherence to nonproliferation treaties, pursue clandestine WMD programs. Rather, we must press for more stringent and effective measures to prevent countries from masking dangerous weapons programs behind such treaties.

Beyond North Korea, the IAEA has begun a rigorous examination into Iran's nuclear activities, to more carefully consider the record of Iran's compliance with its IAEA safeguards obligations. The United States has for many years believed that Iran is seeking to develop nuclear weapons in violation of the NPT, and has undertaken related activities that we believe are in violation of its safeguards obligations. If we are right about this—and we are confident that we are— the international community finds itself faced with yet another serious challenge to the NPT and to the effectiveness of IAEA safeguards. If countries such as Iran can enter into the "atoms for peace" bargain that is at the heart of the NPT, gain the knowledge that is promised them as part of the bargain, and then violate their obligation not to develop nuclear weapons, the effectiveness of the NPT will be undermined. We must address that challenge by putting a stop to Iran's nuclear weapons ambitions, insisting on an eventual return by Iran to full compliance with its NPT and IAEA obligations.

We have concerns about weapons of mass destruction programs in Syria, Libya, and other countries as well. The United States is committed to promoting wider understanding of threats posed by WMD programs in states with a record of promoting terrorism, so that the international community will better understand the necessity of staunching these programs.

Weapons of mass destruction programs in countries such as these confront us—and indeed all civilized countries—with maximum peril, akin to that referred to by President Kennedy over forty years ago. We expect the United Nations Security Council, the IAEA, and other international organizations, as well as our friends and allies, to approach these problems with seriousness and determination commensurate to the threat. There should be no doubt that we will.